

*Application No. 09/831,287  
Amendment Dated October 10, 2005  
Reply to Office Action of June 7, 2005 and Advisory Action of August 15, 2005*

### **REMARKS**

This amendment is responsive to the Office Action mailed June 7, 2005 and to the Advisory Action mailed August 15, 2005 in connection with the above-identified patent application. That Action was made final. However, claims 12-18, 21-31, and 37-40 were allowed. Claims 1, 11, 32, 35, and 36 have been rejected. Lastly in the Action, claims 33 and 34 were objected to.

With regard to the claim rejections, independent claims 1, 11, and 32 together with dependent claims 35 and 36 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Japanese Patent JP 05-199721 to Takahashi and U.S. Patent No. 5,006,765 to Schmider.

Dependent claim 35 was objected to because, according to the Examiner, there is no antecedent basis for "the resilient member" language in that claim.

Claim 33 is dependent on independent claim 32 but was indicated as containing allowable subject matter. To that end, claims 33 and 34 were merely objected to as being dependent upon a rejected base claim (claim 32) but were indicated as being allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims.

### **All Claims are in Condition for Allowance:**

Independent claims 1 and 11 rejected in the previous Office Action have been canceled above. Applicant reserves the right to pursue these claims in one or more continuation and/or divisional or other applications in the future.

In addition to the above, the limitations of allowable claim 33 were written into independent claim 32. Claim 33 itself was canceled. The dependency of claim 34 from 33 was amended to reflect the canceled claim and, thus, that claim 34 should depend from newly amended independent claim 32.

It is respectfully submitted that the simple cancellation of claims 1 and 11 and the simple nature of the amendment to claim 32 to include the limitations of allowable claim 33 will require no further search and/or consideration.

Application No. 09/831,287  
Amendment Dated October 10, 2005  
Reply to Office Action of June 7, 2005 and Advisory Action of August 15, 2005

### CONCLUSION

In view of the above amendments, comments, and arguments presented, applicant respectfully submits that all pending claims are patentably distinct and unobvious over the references of record.

Allowance of all claims and early notice to that effect is respectfully requested.

Respectfully submitted,

FAY, SHARPE, FAGAN,  
MINNICH & MCKEE, LLP

10 OCT 25  
Date

Michael E. Hudzinski  
Michael E. Hudzinski  
Reg. No. 34,185  
1100 Superior Avenue  
7<sup>th</sup> Floor  
Cleveland, Ohio 44114-2579  
(216) 861-5582

#### Certificate of Mailing

- Under 37 C.F.R. § 1.8, I certify that this **Second Amendment After Final Rejection** is being
- ☐ deposited with the United States Postal Service as First Class mail, addressed to: MAIL STOP Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.
  - ☒ transmitted via facsimile in accordance with 37 C.F.R. § 1.8 on the date indicated below to Fax No. (571) 273-8300.
  - ☐ deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated below and is addressed to: MAIL STOP \_\_\_\_\_ Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Express Mail Label No.:
Date
October 10, 2005

Signature
<u>Barbara Brazier</u>
Printed Name
Barbara Brazier

N:\TRW\Z\200269\h\003601V001.doc